

FACE INVESTIGATION

SUBJECT: Youth Newspaper Deliveryperson Killed When he Fell out of the Open Door of a Minivan and was Run Over

SUMMARY: A 9-year-old male newspaper deliveryperson (the victim) died after he fell out of an open door of a moving minivan and was run over by the vehicle. The victim was seated in the rear seat on the passenger side of the vehicle that was being driven by his stepfather (the driver). At each paper box stop, the victim would step out of the minivan to place an advertising newspaper in the paper boxes mounted on posts on the edge of the road. He usually did not use a seat restraint or lock the door after returning to the vehicle and riding to the next stop. On the afternoon of the incident, the victim had placed newspapers in the paper boxes of an unknown number of residences in a suburban community. He was in the vehicle and had the next paper in hand after placing a paper in a box, when the driver told him to close the door. The vehicle began to move forward, when the door swung open and the victim fell out. The rear wheel of the van ran over him before the driver could stop. Emergency services were summoned and were at the scene within four minutes. The victim was transported to a hospital, where he died the following day. The FACE investigator concluded that, to prevent similar occurrences, employers should:

- ! develop and enforce safety policies that require workers who are in motor vehicles to keep all doors closed and locked whenever the vehicle is in motion.**
- ! know and comply with child labor laws which exclude employment of youths in occupations which are deemed detrimental to their health or well-being by the Secretary of Labor or state legislatures.**

Additionally, agencies responsible for setting standards for highway safety should:

- ! develop and enforce requirements for all occupants of moving vehicles to use occupant restraint systems whenever the vehicle is in motion.**

INTRODUCTION:

On May 18, 2000, a 9-year-old male newspaper deliveryperson was run over after he fell out of a minivan while delivering newspapers. He was transported to a hospital where he died the following day. The Wisconsin FACE field investigator learned of the incident from the Wisconsin Workers' Compensation Division on June 23, 2000. On August 3, 2000, the field investigator interviewed the victim's mother. The employer participated in a telephone interview, and the investigator visited the scene of the incident on September 18, 2000. The FACE investigator also obtained the death certificate and the medical examiner, sheriff, and state climatologist's reports. Interviews were conducted with child labor officials from the victim's state and the state where the company was based.

The employer was a publisher of a free weekly advertising newspaper that was distributed door-to-door to about 215,000 residences by independent contractors on pedestrian or motor routes. The company was located in a border state of where the incident occurred, while the incident occurred in the state of the

victim's residence. It is unknown how many other employees were performing the same work. This was the first fatality for the company, which had been in business about 25 years. About two months before the incident, the victim had requested his mother's help in finding a part-time job where he could earn money for his recreational use. His mother found an ad in a newspaper for newspaper delivery routes, and contacted the company. The victim and his mother completed a contract with the company that was signed by his mother to permit him to work. In the state where the company was based, youth work certificates are usually issued by schools, except for "street trades", including newspaper delivery. Street trade employers are required to register with the State and obtain a company certificate. The certified employer then issues permits to each minor engaged in a street trade. The victim had not been issued a permit by the employer. The state where the incident occurred required a permit for this work activity, but would not permit youth under age twelve to be employed in newspaper delivery. Allowing this nine-year-old to work in newspaper delivery was a violation of state law. Federal child labor provisions do not apply to children engaged in the delivery of newspapers.

The victim's stepfather offered to drive his minivan on the route, so the victim could stuff the paper boxes quickly. They had finished the route once a week for about five weeks before the incident. He seldom wore a seatbelt in the vehicle, although a lap belt was available in the seat he usually occupied in the family minivan. This incident occurred on a two-lane county road that wound through rural and suburban neighborhoods. At the location of the incident, the asphalt road was straight and had approximately two feet of gravel-covered sloping shoulder on both sides. The posted speed limit was 25 mph, and the area was a no-passing zone for both lanes of traffic.

INVESTIGATION:

At around 4 PM on the afternoon of the incident, the victim was riding on the first bench seat of the minivan, next to the sliding panel door on the passenger side. His mother and three younger siblings were also passengers in the vehicle while his stepfather drove. The sky was cloudy and the pavement was wet from rainfall that had occurred over the previous four hours. The driver stopped at paper box locations along their route, and the victim would take a single newspaper packet from a stack, open the van door, and step out to place the paper in the box. He would step back into the van, slide the panel door forward until it latched, and grab a paper for the next stop. After an unknown number of stops, the victim climbed back into the van and sat down on the bench seat without closing the sliding door. The driver told him to close the door, and began to move the vehicle forward while the victim was closing the door. Before it was latched, the door opened and the victim fell out. The rear wheel of the van ran over him before the driver could stop. Emergency services were summoned and were at the scene within four minutes. The victim was transported to a hospital, where he died the following day. The sliding door latch and lock were tested after the incident and showed no defect.

CAUSE OF DEATH: The medical examiner's report listed the cause of death as multiple traumatic injuries.

RECOMMENDATIONS/DISCUSSION

Recommendation #1:. Employers should develop and enforce safety policies that require employees who are in motor vehicles to keep all doors closed and locked whenever the vehicle is in motion.

Discussion: The employer in this case did not have a safety policy that required workers to keep vehicles doors closed and locked while in motion. In work situations that require an individual to frequently exit and re-enter a vehicle, there is increased risk of a door not being securely closed and latched before the vehicle motion is resumed. Automatic door locks with an alarm system to alert the driver of any open doors would prevent occupants from falling out of open car doors.

Recommendation #2: Employers should know and comply with child labor laws which exclude employment of youths in occupations which are deemed detrimental to their health or well-being by the Secretary of Labor or state legislatures.

Discussion: Employers of youth may be subject to laws of state and federal authorities and must know and meet the provisions of all pertinent requirements. The Fair Labor Standards Act provides standards for employment of youth in certain enterprises. However, the Child Labor Provisions specifically exempt children who are engaged in the delivery of newspapers to the consumer from the protection of the Act. The state where the company was based did not require a school-issued youth work permit for newspaper delivery, but required “street trade” companies to register and obtain certificate. The certified employer then issues permits to each minor engaged in a street trade. The state where the incident occurred required a permit for youth engaged in this work activity, but would not permit youth under age twelve to be employed in newspaper delivery. If the victim had applied for a work permit in the state where he was working, he and his family would have been informed that nine-year-old children are prohibited from employment in street trades. Allowing a nine-year-old to work in newspaper delivery was a violation of state law.

Recommendation #3: Agencies responsible for setting standards for highway safety should develop and enforce requirements for all occupants of moving vehicles to use occupant restraint systems whenever the vehicle is in motion.

Discussion: Occupant restraint systems, including pelvic and upper torso belts and airbags, are effective in preventing a motor vehicle occupant from injury during sudden stops, change of direction, collision and rollovers. In the state where the incident occurred, individuals (including children age 4 to 16) who exit the vehicle more than 10 stops per mile in the scope of their employment are exempt from state requirements for safety belt use. Implementing these exemptions may place the workers at risk of serious or fatal injury as they conduct their work activities on the public highways. Employers of workers who are not required by state law to use seatbelts should develop and enforce company policies requiring seatbelt use at all times, and should require workers to occupy seat positions protected by airbag restraints.

REFERENCES

29 CFR 570 Code of Federal Regulations, Washington, D.C.: U.S. Government Printing Office, Office of the Federal Register.

Wis. Admin. Code, Ch. DWD 270

s. 347.48 Wis. Stats. (95-96)

Illinois Chapter 820 Employment , ILCS 205 Child Labor Law

Illinois Chapter 820, ILCS 215 Street Trades Law